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July 25, 2019

VIA ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte, Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311

Dear Ms. Dortch:

On July 23, 2019, Rick Chessen and Radhika Bhat of NCTA – The Internet & Television Association; Tara Corvo of Mintz, on behalf of NCTA; Maureen O’Connell of Charter; Howard Symons of Jenner & Block LLP, on behalf of Charter; David Don of Comcast; David Murray of Willkie Farr & Gallagher LLP, on behalf of Comcast; and Jennifer Prime of Cox met with Kate Black of Commissioner Rosenworcel’s office and with Michael Scurato and Brylan Droddy of Commissioner Starks’s office regarding the above-referenced proceeding.¹ On July 24, 2019, Messrs. Chessen, Don, Murray, and Symons and Ms. Bhat, Corvo, and O’Connell, along with Jordan Goldstein of Comcast and Barry Ohlson of Cox, met with Alexander Sanjenis of Chairman Pai’s office and with Joel Miller and Christopher McGillen of Commissioner O’Rielly’s office regarding this proceeding.

We discussed the recently released *Draft Order* in this proceeding,² which would reaffirm the clear limits Congress established on state and local government authority over cable operators and cable systems. Consistent with prior filings in this proceeding, and particularly our July 18, 2019 *ex parte* letter,³ we sought clarification of the Commission’s proposed findings on in-kind assessments and the mixed-use rule, highlighting the *Draft Order*’s discussion of PEG

¹ *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*, Second Further Notice of Proposed Rulemaking, 33 FCC Rcd. 8952 (2018) (“*Second FNPRM*”).

² *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*, Draft Third Report and Order, FCC-CIRC1908-08 (rel. Jul. 11, 2019) (“*Draft Order*”).

³ NCTA – The Internet & Television Association *Ex Parte*, MB Dkt. No. 05-311 (filed Jul. 18, 2019).

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capital and operating costs, the application of the Commission's guidance to existing franchises, the facilities and equipment used to provide non-cable services, duplicative fees and authorizations, wavier of the Commission's findings in the *Draft Order*, and the scope of preemption under the *Draft Order*.⁴

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules. Please direct any questions to the undersigned.

Respectfully submitted,

/s/ Rick Chessen

Rick Chessen

CC: Kate Black
Michael Scurato
Alexander Sanjenis
Joel Miller
Brylan Droddy
Christopher McGillen

⁴ See, e.g., Comments of NCTA – The Internet & Television Association, MB Dkt. No. 05-311, at 6-19, 46-48, 51-59 (filed Nov. 14, 2018); Reply Comments of NCTA – The Internet & Television Association, MB Dkt. No. 05-311, 21-22, 24-31, 34-35 (filed Dec. 14, 2018); NCTA – The Internet & Television Association *Ex Parte*, MB Dkt. No. 05-311, at 5-7 (filed Apr. 18, 2019); NCTA – The Internet & Television Association *Ex Parte*, MB Dkt. No. 05-311, at 1-3 (filed Apr. 19, 2019); NCTA – The Internet & Television Association *Ex Parte*, MB Dkt. No. 05-311, at 2-3 (filed Jul. 3, 2019); NCTA – The Internet & Television Association *Ex Parte*, MB Dkt. No. 05-311 (filed Jul. 18, 2019).